



**NAPA COUNTY CONSERVATION • DEVELOPMENT  
and PLANNING DEPARTMENT**

Charles Wilson Director 1195 Third Street, Room 210 • Napa, California 94559-3092 Telephone 707/253-4416  
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**DATE OF HEARING:** JULY 2, 2003

**AGENDA ITEM #**

**SUMMARY FOR:** CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

**CASE:** #02638-MOD: BENNETT LANE WINERY

**LOCATION:** LOCATED ON A 10 ACRE PARCEL ON THE NORTHEAST SIDE OF  
HIGHWAY 128 APPROXIMATELY ONE MILE FROM ITS INTERSECTION  
WITH TUBBS LANE WITHIN AN AP (AGRICULTURAL PRESERVE) ZONING  
DISTRICT. (ASSESSOR'S PARCEL #017-160-002) 3340 HIGHWAY 128,  
CALISTOGA

**PROJECT REQUEST:** REQUEST TO INCREASE WINERY PRODUCTION BY 30,000  
GALLONS/YEAR, FROM 20,000 TO 50,000 GALLONS/YEAR, TO INCLUDE 15,000 GALLON/YEAR  
CUSTOM PRODUCTION WITH 6 CUSTOM CRUSH CLIENTS, TO ADD 4,000 SQ. FT. OF SEPTIC  
LEACH FIELD, AND TO CHANGE THE NUMBER, SIZE, COPY AND LOCATION OF THE WINERY  
SIGNS. NO OTHER CHANGES ARE PROPOSED.

**OWNER:** THOMAS LEONARDINI, 1563 ST. HELENA HWY, St. HELENA

**APPLICANT/REPRESENTATIVE:** THOMAS LEONARDINI

**ZONING:** AP (Agricultural Preserve)

**GENERAL PLAN DESIGNATION:** AR (Agricultural Resource)

**ACRES:** 10

**ISSUES:** NONE

**CASE HISTORY/BACKGROUND:**

Use Permit #92452-UP & Use Permit Modification #94307-MOD  
(see Exhibit A attached immediately behind this cover sheet)

**STAFF RECOMMENDATION:**

**APPROVAL** of NEGATIVE DECLARATION & MODIFICATION TO USE PERMIT #92452-UP WITH THE  
ATTACHED CONDITIONS

## EXHIBIT A

### Use Permit History

#### Existing Approved and Built Winery Development (#92452-UP):

- a) 7,552 sq. ft. winery structure with an attached (second floor) 1,359 sq. ft. dwelling unit.
- b) 14 parking spaces.
- c) Total Coverage: 59,240 sq. ft. or 13.6% of the 10-acre parcel.
- d) Accessory Structure Coverage: 1,115 sq. ft., or 6.9% of the 16,200 sq. ft. Production Facility Coverage.

Existing Approved Winery Operations Under Use Permit #92452-UP Approved under the name of Charter Oak Winery, Inc. on September 16, 1993 (Original winery use permit #U-91-1 UP was approved December 11, 1991 but was never implemented):

- a) 20,000 gallons production capacity.
- b) Retail sales 7 days/week between the hours of 10:30 AM and 5:30 PM.
- c) Limited private tours and tasting by prior appointment.
- d) Private Special (marketing) Events:
  - 1) Tours & tasting for wine trade personnel  
Frequency: 12/year  
Time: 8 during workday; 4 during evening & weekends\*  
Maximum people/event: 20
  - 2) Private promotional dinners  
Frequency: 12/year  
Time: evenings  
Maximum people/event: 35
  - 3) Private tours, tasting, & dinners in support of charity  
Frequency: 4/year  
Time: 2 during the day & 2 in the evenings\*  
Maximum people/event: 50 (requested 100 but reduced to 50 by Mitigation Measure #8)\*
  - 4) Private dinner & tasting with musical program  
Frequency: 3/year  
Time: evenings\*  
Maximum people/event: 50\*
  - 5) Wine auction related events such as barrel tasting & auctions  
Frequency: 3/year  
Time: afternoon & evenings\*  
Maximum people/event: 50\*
  - 6) Meetings of various winery related organizations such as Vintners and Enologists, with dinners, tasting & speakers  
Frequency: 4/year  
Time: weekends & evenings\*  
Maximum people/event: 40

\*Mitigation Measure #8 limits the number of people attending all marketing events to 50 people/event, and requires that no events be scheduled so that vehicles arrival and, or, depart during the 3:30 to 5:30 PM peak traffic hours.

Use Permit 92452-UP Mitigation Measure #3 requires all marketing events to be held inside.

Use Permit 92452-UP Mitigation Measure #4 requires that no outdoor sound amplification systems be used for any of the events, as well as for the winery operations.

One freestanding sign was approved August 27, 1996. The approved sign is wood with a sign area measuring 6 feet wide and by 5 feet high, mounted on 6" X 6" wood posts set in concrete, with a combined height of 14 feet. The sign copy includes the winery name (Vigil Vineyard Winery -- the winery name at the time of the sign approval), "Tours & Tasting by Prior appointment Only" and "open Daily 10 -5 1-800-94 Vigil". The sign location is 70 feet from the center line of Highway 128.

#### Existing Approved Winery Operations Under Use Permit Modification #94307-MOD Approved June 23, 1995

- a) Changed height of winery building from 16 feet to 33 feet.



3. The winery building exists without any proposed changes. The attached dwelling unit is on the second level and remains unfinished. No other structures exist on the parcel. The closest residence is approximately 600 feet from the winery structure.
4. The existing marketing and special events are detailed in Exhibit A above. Tours and tasting by appointment exist at the winery facility. No changes have been requested.
5. Details of the modification request are contained in the attached supplemental information sheet and accompanying materials.
6. Comments and recommendations from various County departments are attached.

#### **ENVIRONMENTAL ANALYSIS:**

7. An Initial Study has been prepared for the project, which identified no potential significant environmental impacts. Based on the information contained on the Napa County environmental resource maps and submitted information the following are discussed below:

**AESTHETICS:** No above ground physical changes are proposed, except for the sign request. The 4,000 sq. ft. septic leach field expansion presents no aesthetic issues.

**AIR QUALITY:** The trenching for the installation of the extended leach field presents no air quality issues.

**CULTURAL RESOURCES:** The general area is an area of archaeological resource. The area of the septic field expansion does not contain any known cultural resources. A standard condition of approval requires that earthwork cease within a 50-foot radius of any archaeological findings until such time when a qualified professional can determine the significance of the find and make recommendations.

**HYDROLOGY & WATER QUALITY:** A Phase 1 water study was prepared for the project. There is an existing on site well with an unspecified production that supplies the water used for wine processing and domestic purposes. The proposed increased winery facility will use 0.92 acre-feet of water per year. The existing residence on the property uses approximately .75 acre-feet of water per year. A 7-acre vineyard exists on the property. Well water is used in the vineyards for irrigation. The amount of well water use on the parcel, with the 50,000-gallon/year production will be 4.96 acre-feet per year. The proposed winery production increase will not have a significant effect on groundwater levels. The Department of Public Works has determined that the estimated water demand is below the established threshold for the property, and no further studies are needed.

**LAND USE AND PLANNING:** The request meets the policies and goals of the County's General Plan and complies with the provisions of the Napa County Code.

**NOISE:** No new marketing or special event changes are proposed. No new construction, beyond the expansion of the septic leach field is proposed.

**TRANSPORTATION & UTILITIES:** Traffic generated by the production modification is expected to be minimal and limited to the custom production activities generating an estimated 12 vehicle trips/month. Access to the winery is from Hwy 128. The 2001 traffic count conducted by Caltrans showed 3,050 vehicles (traffic count) at the intersection of Hwy 128 & Tubbs Lane. According to the threshold established by the Department of Public Works, a project that would generate 70 additional daily trips would be required to install a left-hand turn lane. This project is expected to generate an average of 0.4 additional daily trips. This is below the established threshold; therefore no turn lane would be required. Additionally by granting of this use permit, the production of the grapes will be on-site and there will be

an overall decrease in traffic. Therefore, this project is not expected to change the level of service on the road or produce any noticeable increase in traffic.

#### **SEWER OR SEPTIC:**

The septic system leach field will be expanded by  $\pm 4,000$  square feet running along both sides of the entry driveway, beyond the stream setback requirements.

8. The project will not result in significant environmental effects, either individually or cumulatively. A Negative Declaration is recommended. See attached copy.
9. The proposal has been found to have no significant adverse effect on wildlife resources as defined in Section 711.2 of the Fish and Game Code. The project is not located within a stream setback area nor will it require any construction activity to take place within stream setback areas.

#### **PLANNING AND ZONING ANALYSIS:**

The following findings must be made in order to approve the use permit:

10. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

**Analysis:** The project is consistent with the AP zoning district regulations that apply to this property which permit winery operations with use permit approval. A winery (as defined in (§18.08.640) and uses in connection with a winery (§18.16.030(F&G) are permitted in an AP zoned district with an approved use permit. Provisions required under the Winery Definition Ordinance (ORD. 947, 1990) and Napa County Code (zoning regulations as amended) can be met.

11. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

**Analysis:** The use permit application has been filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Negative Declaration were posted on May 15, 2003 and copies were forwarded to the appropriate persons on the mailing list. The written comment period was 5/15/03 to the close of the public comments on 6/4/03.

12. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

**Analysis:** Granting the Use Permit for the winery as proposed and conditioned will not affect the health, safety or welfare of the County. Various County departments have reviewed the project and commented regarding water, waste water disposal, access, and building permits and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health and safety.

13. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

### **Analysis: Compliance with the Zoning Ordinance**

Provision	Required	Existing
Height	<35 feet	33'
Setbacks	Front>600' Side >20' Rear >20'	Front >1,300' Side >20'Rear >20'
Parking	5	14
Site Coverage	<15 acres or 25% of the parcel size	± 59,240 sq. ft. or < 13.6% of the 10 acre parcel
Lot Size	10 acre minimum	10
Accessory winery uses	<40% of production facility	14.7%
Grape Source	>75%	Submitted & conditioned
Marketing	N/A	Various: See Exhibit A above 50 Maximum # people/event

### **Analysis: Compliance with the General Plan**

- The goals established by the County General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in the Counties existing cities and urban areas. The County will enact and enforce regulations that will retain agriculture as a major source of income and employment in Napa County. The Winery Definition Ordinance (WDO) was established to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. The proposal is consistent with the General Plan.
  - Agricultural policy 3.11 of the County General Plan recognizes wineries, and any use clearly accessory to the winery, as agriculture. The Land Use Standards of the General Plan, subsection 3(F)(8) and subsection 3(F)(7), list the processing of agricultural products as one of the general uses recognized by the AR land use designation. The proposed project provides for the continuation of agriculture as the predominant land use and is consistent with the General Plan.
  - The General Plan allows wineries in agriculturally designated areas.
14. That the proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under §13.15.070 or 13.15.080 of this code.

The Phase 1 water study prepared for the project and reviewed by The Department of Public Works showed that the estimated water demand is below the established threshold for the property, and, therefore, the projected water use for this project is not expected to have a significant effect on the static water levels of neighboring wells or the groundwater table.

### **RECOMMENDATION:**

### **ENVIRONMENTAL:**

1. Find that the Planning Commission has read and considered the Negative Declaration prior to taking action on said Negative Declaration and the proposed project.

2. Find that the Negative Declaration is based on independent judgment by the Planning Commission.
3. Find that the Negative Declaration was prepared and considered in accordance with the California Environmental Quality Act
4. Find that there is no substantial evidence the project will have a significant effect on the environment.
5. Find that the Secretary of the Planning Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Conservation, Development & Planning Department, 1195 Third Street, Room 210, Napa, California
6. Find that considering the record as a whole there is no evidence that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends.
7. Adopt the Negative Declaration.

**PLANNING:**

8. **APPROVAL** of the Use Permit based on findings 7-14 and subject to the attached conditions of approval.

**CONDITIONS OF APPROVAL**  
**BENNET LANE WINERY**  
**#02638-MOD**  
APN 017-160-002

1. **SCOPE:** The permit shall be limited to:

- Wine production of no more than 50,000 gallons per year.
- Custom production activities including crushing, fermenting, barrel aging, bottling and occasional office space for a maximum of 6 custom producers utilizing a maximum of 15,000 gallons of the winery's proposed 50,000 gallon per year capacity. Custom production will not include use of office space, case goods storage, retail wine sales, wine tasting, or distribution/shipping.

**The requested 30,000 gallons per year production increase, resulting in a total 50,000 gallons per year winery production limit, and the custom production activities shall not become effective until the completion of the required CALTRANS "access improvements" as stated in the their June 26, 2003, letter to the Napa County Planning Department. Until such time that the required CALTRANS "access improvements" are completed, the winery's annual production shall remain at 20,000 gallons per year and no custom crushing activities shall occur.**

**Commencement of the above activities prior to completing the required Caltrans improvements will result in the Department 's referral to the Planning Commission for consideration of a potential revocation hearing of the #02638-MOD use permit modifications according to County Code Section 18.124.120.**

- 4,000 square foot septic leach field expansion.
- Continued use of the existing 7,552 square foot winery building\* but with no winery functions within the dwelling unit portion of the building.
- Two freestanding signs, with letters mounted on an existing landscape wall located on each side of the driveway, meeting Napa County Code standards and approved prior to placement by the Napa County Conservation, Development & Planning Department.

\* See Conditions of Approval, Use Permit #92452-UP

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions to all designers, constructors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process.

2. **MARKETING:** Marketing and special events shall be limited to those approved under Use Permit #92452-UP.

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when



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provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 3:30 PM and 5:30 PM.

**3. TOURS AND TASTING:**

Tours and tasting and retail sales shall be by appointment only and are limited to members of the wine trade, persons who have a pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a pre-arranged basis. Tours and tasting shall complete by 4:30 PM. Retail sale of wines shall complete by 5:30 PM and shall be limited to only those fermented and bottled on-site by the winery operator. A logbook (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

**4. GRAPE SOURCE:**

At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis by December 31 the source of grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.

**5. SIGNS:**

Two freestanding signs, with letters mounted on an existing landscape wall, located on each side of the driveway entry, meeting Napa County Code standards, will be approved prior to placement by the Napa County Conservation, Development & Planning Department.

Prior to installation of the signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Section 18.116 of the County Code. Both signs shall legibly include wording stating "Tours and Tasting by Prior Appointment Only".

**6. GATES/ENTRY STRUCTURES:**

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a large vehicles such as motorhomes to turn around if the gate is closed without backing into the public roadway and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according the County Code.

**7. LIGHTING:**

All new exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the

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building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, two (2) copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.

**8. LANDSCAPING/PARKING:**

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.

No trees greater than 6" BGH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view the structures. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

**9. OUTDOOR STORAGE/SCREENING:**

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

**10. RENTAL/LEASING:**

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010).

**11. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

Department of Environmental Management as stated in their letter of June 5, 2003

**CONDITIONS OF APPROVAL**  
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Department of Public Works as stated in their letter of March 26, 2003  
County Fire Department as stated in their letter of March 20, 2003  
Building Division as stated in their letter of March 11, 2003  
Caltrans as stated in their letter of June 26, 2003.

**13. SPOILS:**

All spoils generated by construction of the project facilities, including cave spoils, shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

**14. WELLS:**

The applicant may be required (at the applicant's expense) to provide well monitoring data if it is judged that water usage at the winery is, or would potentially mine groundwater or affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

**15. NOISE:**

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings unless a special permit to that effect has been secured through the County.

**16. COLORS:**

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.

**17. DUST CONTROL:**

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Construction activities shall not occur during windy periods.

**18. ARCHEOLOGICAL FINDING:**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified professional to analyze the artifacts encountered and to

**CONDITIONS OF APPROVAL**  
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determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

**19. TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak (4-6 PM) travel times to the maximum extent possible.

**20. STORM WATER CONTROL**

For any construction activity that results in disturbance of greater than five acres (or one acre following the upcoming change in State regulations) of total land area, applicant shall file a Notice of Intent with the California Regional Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the applicant shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

**20. INDEMNIFICATION**

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

**21. PRIOR USE PERMIT CONDITIONS OF APPROVAL**

The applicant and all subsequent owners shall comply with all earlier and applicable use permit conditions associated with the winery and the parcel (U-91-1-UP, 92452-UP & 94307) and all applicable local, State and federal requirements.

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**22. MONITORING COSTS:**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the applicant and/or property owner. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigations measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.

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- b) 14 parking spaces.
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- d) Private Special (marketing) Events:
  - 1) Tours & tasting for wine trade personnel  
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Time: afternoon & evenings\*  
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NAPA COUNTY  
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

USE PERMIT

DEPARTMENT REPORT AND RECOMMENDATION

Meeting of December 11, 1991

Agenda Item: #15

APPLICATION DATA:

APPLICANT:

Charter Oak Winery, Inc.

Use Permit Request #U-91-1

Filed: 7/6/91

REQUEST FOR:

Approval to establish a 20,000 gallon per year winery, including the construction of a 6,556 square foot winery facility which incorporates a 900 square foot dwelling unit.

LOCATION:

On a 10 acre parcel located on the east side of State Route 128 approximately 1,000 feet south of Bennett Lane in an AP (Agricultural Preserve) Zoning District (Assessor's Parcel #17-160-02).

FINDINGS:

SPECIAL INFORMATION:

1. Details of the proposal are contained in the attached supplemental information sheet. The proposed 6,556 square foot winery building includes a 900 square foot dwelling unit. The Agricultural Preserve zoning district allows one single family dwelling per parcel without a use permit, and there is currently no dwelling on this parcel.
2. The 10-acre parcel is relatively flat with a slope of less than 2 percent. The entire parcel is planted in vineyard, with the exception of approximately two acres near the highway which is in the process of being replanted. An intermittent stream forms the northeast boundary of the property near the proposed winery location. The site currently has access via a driveway located on the adjoining parcel to the south, but the project proposes a new access at the midpoint of the parcel's highway frontage. Existing improvements on the site are limited to the vineyard and two small sheds in the northeast corner of the property. Surrounding land uses are predominately vineyard and rural

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residential uses.

3. Comments and recommendations from various County departments and other agencies are attached.

### ENVIRONMENTAL ANALYSIS:

4. An Initial Study was prepared for the project (see attached). Based upon this Initial Study it has been determined that the project will not result in significant environmental effects, either individually or cumulatively. A Negative Declaration which includes a Project Revision Statement with 10 Mitigation Measures has been prepared.
5. Each of the four parcels adjoining the project site contains a single family dwelling as shown on the attached Zoning Map. The applicant has incorporated the following features into the project design to limit potential adverse impact on these surrounding residential uses:
  - a. The winery has been located at the eastern extreme of the 10-acre parcel, the maximum possible distance from surrounding residences. The nearest residence would be approximately 600 feet away.
  - b. The project includes a new driveway through the center of the parcel for the exclusive use of the winery, rather than using the existing off-site easement which is shared by residential users.
  - c. The extent of marketing activities is relatively limited, with private tours and tastings limited to an average of one per month and the total number of marketing events limited to an average of three per month.

In addition to the above, mitigation measures have been added to the project through the environmental review process to limit dust, noise, light and visual impacts on surrounding residential uses.

### PLANNING AND ZONING ANALYSIS:

6. The project has been reviewed for consistency with the applicable provisions of Ordinance No. 947 (Winery Definition Ordinance), and has been found to be consistent with all applicable provisions.



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7. The following findings must be made in order to approve the use permit:

- a. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.

Analysis: Given that the project is consistent with the AP (Agricultural Preserve) zoning regulations, the Commission can issue the use permit.

- b. The procedural requirements for a Use Permit set forth in Title XII of the Napa County Code (zoning regulations) have been met.

Analysis: This application has been processed in compliance with the procedural requirements of the County Code.

- c. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: One of the underlying principles of general plan policies and zoning regulations is to protect the public health, safety and welfare; and this project has been found to be consistent with the County General Plan and Zoning Ordinance. Conditions of approval and environmental mitigation measures have been prepared for this use permit consistent with the protection of the public health, safety and welfare.

- d. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan and any applicable specific plan.

Analysis: The proposed use is consistent with applicable policies of the County General Plan and provisions of the Napa County Code. Wineries are an allowable use under the Agricultural Resource land use designation and the Agricultural Preserve zoning of the property (subject to use permit approval).

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**RECOMMENDATION:**

**ENVIRONMENTAL:**

1. Find that the Planning Commission has read and considered the Negative Declaration prior to taking action on said negative declaration and the proposed project.
2. Adopt the Negative Declaration (including the Project Revision Statement with 10 Mitigation Measures).

**PLANNING:**

3. **APPROVAL** with Findings, and subject to the attached Conditions of Approval:

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**PROPOSED  
CONDITIONS OF APPROVAL**

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- 1) The permit shall be limited to the establishment of a 20,000 gallon per year winery, including the construction of a 6,556 square foot winery facility which incorporates a 900 square foot dwelling unit. The production capacity shall not exceed 20,000 gallons as averaged over any consecutive three (3) year period with a maximum 20 percent annual variation, and the applicant shall report to the Planning Department in December of each year the number of gallons produced during that year. The project shall conform to the approved site plan, floor plans, elevations, and phasing plan. Any expansion of production capacity, changes in use, or changes in construction shall be subject to the approval of the Planning Director or if deemed necessary, the County Planning Commission.
- 2) Retail sales shall be limited to that wine allowed by Section 12232(h)(5)(C) of the Napa County Code.
- 3) At least seventy-five percent of the grapes used to make the winery's still wine, or the still wine used by the winery to make sparkling wine, shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis the source of his grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and grape tonnage. That report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.
- 4) The applicant shall comply with the ten (10) Mitigation Measures contained in the attached Project Revision Statement.
- 5) The applicant shall comply with all requirements of the County Department of Public Works identified in their letter of July 2, 1991.
- 6) The applicant shall comply with all requirements of the County Environmental Health Department identified in their memorandum of June 26, 1991.
- 7) The applicant shall comply with all fire protection requirements of the Napa County Fire Department as set forth in their letter of June 24, 1991.

**PROPOSED  
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- 8) The applicant shall comply with all encroachment improvement requirements of Caltrans as set forth in their letter of November 21, 1991.
- 9) The applicant shall obtain all necessary approvals and permits from the State Department of Alcoholic Beverage Control and the federal Bureau of Alcohol, Tobacco and Firearms.
- 10) The property owner and their successors-in-interest shall see that all work is halted within 50 feet if concentrated artifactual materials (i.e., worked stone, bone, charcoal, human remains, etc.) are encountered during any ground disturbing activities undertaken on this property. Said work shall remain stopped until a qualified professional archaeologist on the Society of Professional Archaeologist (SOPA) list has evaluated the find, developed any mitigation measures needed, prepared a report of his findings, and filed said report with the Napa County Planning Department. All mitigation measures suggested shall, with the concurrence of the Director of Planning, be implemented. All lessees of, and contractors doing work on, shall be informed of and bound by contract to honor, the requirement to stop work immediately if artifactual materials are encountered.
- 11) All improvements (including parking lots) shall comply with the 20 foot property line setback requirement of the Agricultural Preserve zoning district.
- 12) All structures shall comply with the stream setback requirements set forth in Section 12456(c) of the County Code.
- 13) Plans for any outdoor signs shall be submitted to the Planning Department for administrative review and approval.
- 14) The applicant shall comply with all other local, State, and federal requirements.

INFORMATION SHEET

**I. USE**

- A. Description of Proposed Use (including where appropriate product/service provided):  
A 20,000 gallon per year winery with private tours and tastings  
retail, wine sales and other marketing activities
- B. Construction  
Project Phases: ☒ one ☐ two ☐ more than two (please specify) \_\_\_\_\_
- C. Estimated Completion Date for Each Phase: Phase 1: 1992 Phase 2: \_\_\_\_\_
- D. Actual Construction Time Required for Each Phase: ☐ less than 3 months  
☒ More than 3 months
- E. Related Necessary On- And Off-Site Concurrent or Subsequent Projects: \_\_\_\_\_  
Building of an in-law unit, on site concurrent
- F. Additional Licenses/Approval Required:
- District: \_\_\_\_\_ Regional: \_\_\_\_\_  
State: ABC Federal: BATF

**II. BUILDINGS**

- A. Floor Area of Project (in square ft): 6,556 proposed total floor area on site: 6,556  
new construction: 6,556  
existing structures or portions thereof to be utilized: N/A existing structures or portions thereof to be removed: N/A
- B. Floor Area Devoted to each separate use (in square ft):  
living: 900 { storage/warehouse: 4,273 offices: 339  
sales: { fermentation } other conference rest room, etc., 1,044
- C. Maximum Building Height: existing structures: N/A new construction: 35 feet
- D. Type of New Construction (e.g., wood-frame): wood frame
- E. Type of Exterior Night Lighting Proposed: shielded, low level

**III. PARKING**

- |                                  | Existing   | Proposed |
|----------------------------------|------------|----------|
| A. Total On-Site Parking Spaces: | <u>N/A</u> | <u>6</u> |
| B. Customer Parking Spaces:      | <u>N/A</u> | <u>3</u> |
| C. Employee Parking Spaces:      | <u>N/A</u> | <u>3</u> |

**IV. TYPICAL OPERATION**

	<u>Existing</u>	<u>Proposed</u>
A. Days of Operation:	N/A	Mon- Sun
B. Expected Hours of Operation:	N/A	9:00 - 5:00
C. Anticipated Number of Shifts:	N/A	2
D. Expected Number of Full-Time Employees/Shift:	N/A	2-3
E. Expected Number of Part-Time Employees/Shift:	N/A	4-5
F. Anticipated Number of Visitors		
•busiest day:	N/A	50
•average/week:	N/A	100
G. Anticipated Number of Deliveries/Pickups		
•busiest day:	N/A	3-4
•average/week:	N/A	6-7

**V. SUPPLEMENTAL INFORMATION FOR SELECTED USES**

**A. Commercial Meeting Facilities** N/A  
**Food Serving Facilities**

- restaurant/deli seating capacity: \_\_\_\_\_
- bar seating capacity: \_\_\_\_\_
- public meeting room seating capacity: \_\_\_\_\_
- assembly capacity: \_\_\_\_\_

**B. Residential Care Facilities (6 or more residents)**  
**Day Care Centers** N/A

	<u>Existing</u>	<u>Proposed</u>
• type of care:	_____	_____
• total number of guests/children:	_____	_____
• total number of bedrooms:	_____	_____
• distance to nearest existing/approved facility/center:	_____	_____

**USE PERMIT APPLICATION**  
**SUPPLEMENTAL INFORMATION SHEET**  
**FOR WINERY USES**

1. **Operations.** (In the blank in front of each operation, place an "E" for Existing, a "P" for Proposed, an "X" for Expanding, or an "N" for None.)

- |   |                                      |
|---|--------------------------------------|
| a. <u>P</u> crushing                    | j. <u>P</u> public tours/tastings    |
| b. <u>P</u> fermentation                | <u>N</u> drop-in                     |
| c. <u>P</u> ageing                      | <u>P</u> by appointment              |
| d. <u>P</u> bottling                    | k. <u>N</u> other tours/tastings     |
| e. <u>P</u> storage                     | l. <u>P</u> retail wine sales        |
| f. <u>P</u> above-ground waste disposal | m. <u>N</u> other retail sales       |
| g. <u>P</u> administration office       | n. <u>P</u> public display of art or |
| h. <u>P</u> laboratories                | wine-related items                   |
| i. <u>N</u> day care                    | o. <u>N</u> picnic areas             |

2. **Marketing Activities.** (Describe the nature of any marketing or educational events not listed above including the type of events, whether public or private, frequency of events, average attendance, etc. Differentiate between existing and proposed activities. Attach additional sheets if necessary): \_\_\_\_\_

See attached EXHIBIT "A"

3. **Food Service.** (Describe the nature of any food service including type of food, whether public or private, whether profit or non-profit, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Differentiate between existing and proposed food service. Attach additional sheets if necessary): \_\_\_\_\_

See attached EXHIBIT "A"

4. **Social Events.** (Describe the nature and frequency of any social events not related to wine marketing or education, such as benefit dinners, musical events, art shows, etc. Differentiate between existing and proposed events. Attach additional sheets if necessary): \_\_\_\_\_

SEE ATTACHED EXHIBIT "A"

5. **Production Capacity**

- a. existing capacity: 0 date authorized: \_\_\_\_\_  
b. current maximum actual production (year): 0 (\_\_\_\_\_)  
c. proposed capacity: initial 5,000  
eventual 20,000

6. **Grape Origin.** (Fill out a "Source of Wine Grapes" form and a "Statement from Grape Supplier" form if establishing a new winery or expanding an existing winery development area.)

7. **Total Coverage.** (as defined below)

- a. square feet: 55,456  
b. percent of total parcel: 12.9

8. **Production Facility Coverage.** (as defined below)

- a. square feet: 55,456

9. **Accessory Structure Coverage** (as defined below)

- a. square feet: 886  
b. percent of production facility coverage: 15.7

Coverage Definitions (paraphrased from County Code)

1. **Total Coverage** - The aggregate paved or impervious ground surface areas of the production facility, storage areas (except caves), offices, laboratories, kitchens, tasting rooms, paved areas and access roads to public or private roads or rights-of-way and above-ground sewage disposal systems.
2. **Production Facility Coverage** - The aggregate paved or impervious ground surface areas of crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities not including wastewater treatment or disposal areas which cannot be used for agricultural purposes.
3. **Accessory Structure Coverage** - The aggregate paved or impervious ground surface areas of uses accessory to the production facility (i.e., the Total Coverage less the Production Facility Coverage).



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EXHIBIT "A"

Marketing Plan for Charter Oak Winery

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT

The following includes all wine marketing activities contemplated at the Charter Oak Winery site, located at 3340 Highway 128, Calistoga, CA.

1. Retail Sales. Open 7 days per week, 10:30 to 5:30.
2. Private Special Events.
  - a. Tours and tastings for wine trade personnel.  
Frequency: 12 per year.  
Number of persons: 5 to 20 persons. Average-10 persons.  
Time of day: 8 during work day. 4 evening and weekend.
  - b. Private promotional dinners.  
Frequency: 12 per year.  
Number of persons: Average 25. Range - 15 to 35.  
Time of day: Evening.
  - c. Private tours, tastings, and dinners in support of charity.  
Frequency: 4 per year.  
Number of persons: 50 to 100. Average 75.  
Time of day: 2 in the day, 2 in the evening.
  - d. Private dinner and tasting with musical program.  
Frequency: 3 per year.  
Number of persons: 50 per event.  
Time of day: Weekend evening hours.
  - e. Wine auction related events such as barrel tasting and auctions.  
Frequency: 3 events per year.  
Number of persons: 75 persons per event.  
Time of day: afternoon and evening - weekday and weekend.
  - f. Meetings of various wine related organizations such as Vintners, and Enologists. Includes dinner, tasting and speakers.  
Frequency: 4 events per year.  
Number of persons: 40 per event.  
Time of day: Weekday evenings.